WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 91

WEDNESDAY, 16 AUGUST 2006, 12 noon

Prayers *		
Petitions		
Papers		
Giving Notices of Motion		
Brief Ministerial Statements *		
Questions Without Notice *	-	**approximately 2.00 p.m. each day**
Matter of Public Interest	-	**one per week on any day**
Private Members' Business	-	**4.00 p.m. to 7.00 p.m. Wednesdays**
Grievances	-	**approximately 9.00 a.m. Thursdays**
Private Members' Statements	-	**12.50 p.m. Thursdays**

**Note:* *On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

BILLS - NOTICES OF MOTION

1. Botanic Gardens and Parks Authority Amendment Bill 2006 (Notice given - 15/8/06)

Ms S.E. Walker: To move -

That a Bill for "An Act to amend the *Botanic Gardens and Parks Authority Act 1998*." be introduced and read a first time.

GOVERNMENT BUSINESS - ORDERS OF THE DAY

1. Acts Amendment (Advance Health Care Planning) Bill 2006 (Minister for Health) (No. 149, 2r. - 21/6/06)

Second reading. Adjourned debate (Minister for Health).

2. Sunset Hospital Site Bill 2006 (Minister for Housing and Works) (No. 137, 2r. - 18/5/06)

Second reading. Adjourned debate (Dr G.G. Jacobs).

3. ***Land Information Authority Bill 2006** (Minister for Land Information) (No. 144, 2r. - 14/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

4. **Gas and Electricity Safety Legislation Amendment Bill 2006** (Minister for Energy) (No. 30, 2r. - 14/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

5. **Premier's Statement**

Adjourned debate (Mr D.F. Barron-Sullivan - continuation of remarks) on the motion, That the statement be noted.

6. ***Retail Shops and Fair Trading Legislation Amendment Bill 2005** (Minister for Consumer Protection) (No. 98, 2r. - 9/11/05)

Consideration in detail of Legislative Council message No. 92.

7. **Betting and Racing Legislation Amendment Bill 2006** (Minister for Racing and Gaming) (No. 146, 2r. - 21/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

8. **Criminal Law and Evidence Amendment Bill 2006** (Attorney General) (No. 145, 2r. - 22/6/06)

Second reading. Adjourned debate (Leader of the House).

9. **Financial Management Bill 2006** (Treasurer) (No. 100, 2r. - 29/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

10. **Auditor General Bill 2006** (Treasurer) (No. 99, 2r. - 29/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

11. **Financial Legislation Amendment and Repeal Bill 2006 (**Treasurer) (No. 150, 2r. - 29/6/06)

Second reading. Adjourned debate (Dr S.C. Thomas).

12. **Fish Resources Management Amendment Bill 2006** (Minister representing the Minister for Fisheries) (No. 148, 2r. - 21/6/06)

Second reading. Adjourned debate (Mr J.E. McGrath).

13. **Road Traffic Amendment (Drug Impaired Driving) Bill 2005** (Minister for Community Safety) (No. 101, 2r. - 9/11/05)

Second reading. Adjourned debate (Dr S.C. Thomas).

14. **Comments Made by the Member for Warren-Blackwood** (Moved - 20/9/05)

Adjourned debate (Mr D.A. Templeman) on the motion moved by the Leader of the House -

> That this House calls on the Member for Warren-Blackwood to apologise unreservedly for his false and unsubstantiated claims in mounting a malicious attack on the RSPCA and its officers by way of a Grievance made on 13 May 2004.

PRIVATE MEMBERS' BUSINESS - NOTICES OF MOTION

1. **Matters Relating to the Corruption and Crime Commission** (Notice given - 30/8/05, renewed - 30/3/06)

Ms S.E. Walker: To move -

> That this House and public of Western Australia has lost confidence in the Premier and Members of his Government in relation to the handling of the Moira Rayner scandal and believes there needs to be a reconsideration of the legislative framework to ensure the integrity and confidence of the Corruption and Crime Commission is retained.

2. State of the World Population (Notice given - 11/10/05, renewed - 4/5/06)

Mr J.N. Hyde: To move -

That this House -

(a) recognises -

(a) that a report from the United Nations Population Fund (UNFPA) on the *State of World Population 2005 - the Promise of Equality: Gender Equity, Reproductive Health and Millennium Development Goals* will be released on 12 October 2005, and that the theme of the report is that gender equality reduces poverty, saves and improves lives;

(b) that a major platform for achieving sustainable development is gender equality and the empowerment of women; and

(c) that gender inequalities in all countries limit the economic and social participation of women in the building of healthy and dynamic nations;

(b) encourages the UNFPA to continue to work towards achieving gender equality;

(c) urges the Federal and State Governments to continue to support the Millennium Development Goals because they have led to significant improvements in women's health, safety and economic participation and increased their share in the benefits of strengthened economic growth; and

(d) recognises that these improvements have been achieved through culturally and religiously appropriate activities and has resulted in a reduction in the incidence of fistula, maternal and child mortality.

3. Infill Sewerage (Notice given - 18/10/05, renewed - 11/5/06)

Mr P.D. Omodei: To move -

That -

(a) this House calls on the State Government to increase funding for infill sewerage in Western Australia;

(b) in setting priorities for an enhanced program the Government considers health issues, environment damage and the ability of Local Governments to expand residential development; and

(c) community service obligation be maintained to allow the infill sewerage program to be extended.

4. Corruption and Crime Commission and Failed Contempt Application (Notice given - 8/11/05, renewed - 18/5/06)

Ms S.E. Walker: To move -

That this House calls on the Government to -

(a) enquire and report on the circumstances regarding the Corruption and Crime Commission's failed contempt application against organised crime associates Marco Sorani and Hasaneen Mosa Issa Aboudi; and

(b) advise what measures will be taken to bring them to justice and to ensure such an outcome does not occur again.

5. Whitby Falls Hostel (Notice given - 8/11/05, renewed - 18/5/06)

Mr A.J. Simpson: To move -

That this House supports the member for Bassendean in his condemnation of the Gallop Government for its lack of action with regard to the Whitby Falls Hostel. Further, this House joins with the member for Bassendean to call for the Health Minister to be honest about the future of mental health facilities at Whitby Falls.

6. Perimeter Road, Margaret River and Bridgetown Bypass (Notice given - 8/3/06, renewed 29/6/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to give priority to the immediate construction of the Perimeter Road in Margaret River and the Bridgetown Bypass.

7. Manjimup Police Station (Notice given - 8/3/06, renewed 29/6/06)

Mr P.D. Omodei: To move -

That this House calls on the Government to -

(a) place the Manjimup Police Station on the 'urgent construction program' or implement a Private/Public Partnership;

(b) bring forward the redevelopment of the Margaret River Police Station; and

(c) bring forward the redevelopment of the Bridgetown Police Station.

8. Road Construction Funding in the Aftermath of Tropical Cyclone 'Clare' (Notice given - 4/4/06)

Dr G.G. Jacobs: To move -

That the State Government make real contributions, under natural disaster relief, towards Shires' road reconstruction funding requirements following tropical cyclone 'Clare'.

9. Review of the Corruption and Crime Commission Act 2003 (Notice given - 4/4/06)

Ms S.E. Walker: To move -

That this House undertakes a review of the legislative framework of the *Corruption and Crime Commission Act 2003* to ensure the integrity and confidence of the Corruption and Crime Commission is retained.

10. Discharge of Private Members' Business Orders of the Day (Notice given - 4/4/06)

Mr C.J. Barnett: To move -

That Private Members' Business Orders of the Day Nos 1, 2, 4, 7 and 8 be discharged.

11. Adequacy of Natural Disaster Relief Assistance (Notice given - 2/5/06)

Mr D.T. Redman: To move -

(1) That this House refers the issue of natural disaster relief assistance to the Community Development and Justice Standing Committee for review, specifically to address the adequacy of existing State Government assistance under the program to anyone affected by a natural disaster.

(2) That the Committee report to the Legislative Assembly by no later than 17 August 2006.

12. Improved Access to the Parliamentary Process (Notice given - 31/5/06)

Mr A.J. Simpson: To move -

That in an effort to improve access to the Parliamentary process, especially for people in regional Western Australia who will soon have much less direct access to their local Member of Parliament as a result of Labor's One Vote One Value Legislation, the Legislative Assembly requires the Procedure and Privileges Committee to -

(a) investigate the feasibility of using electronic devices or systems (including but not limited to Short Message Services (SMS), email and telephone recordings) as acceptable forms of presenting petitions to the Western Australian Legislative Assembly;

(b) review the use of E-Petitions by other Parliaments both within Australia and overseas;

(c) make recommendation for changes to the procedures and the Standing Orders of the Legislative Assembly; and

(d) report to the Legislative Assembly on or before 1 November 2006.

13. Review of the Road Safety System (Notice given - 22/6/06)

Mr J.E. McGrath: To move -

That this House –

(a) acknowledges the public interest in and concern about the road toll;

(b) notes that there has been a plethora of suggestions about how road safety concerns might be addressed, including –

(a) better road design;

(b) more use of in-vehicle technologies to improve safety;

(c) more and better driver education programmes;

(d) severe curfew conditions on young drivers;

(e) 30km/h speed limits not just on local roads but, to quote the head of the Government's Office of Road Safety, "any road where there was a chance a car could hit a pedestrian";

(f) 90km/h speed limits on most of the State's country roads, and a maximum limit on all the State's highways of 100km/h; and

(g) generally higher fines and penalties,

and notes that while some of these ideas have merit, others are impractical and ineffective and represent a level of desperation and lack of new ideas from the existing authorities;

(c) notes community concerns about the funding arrangements for the Office of Road Safety, and particularly the obvious contradiction that funding from the Office comes from traffic fines and it must therefore emphasise this area in order to sustain its operations, notwithstanding that non-revenue options such as education, road and vehicle design have as much a role to play in the road safety arena as penalty provisions;

(d) notes that the current road safety strategy for Western Australia, Arriving Safely: Road Safety Strategy for Western Australia 2003-2007, has almost run its course and a new strategy is needed;

(e) calls on the Government to undertake a thorough and comprehensive review of the road safety system, to develop an integrated and evidence-based approach to road safety;

(f) notes that the Opposition offers its full co-operation in terms of bipartisan involvement in this review and support for any worthwhile initiatives that arise from the review;

(g) enables membership of the review committee to include the following: a chairperson, being a member of the community with some knowledge of road safety; a member of Government; a member of the Opposition; a representative of the Office of Road Safety; and a fifth member to be decided by the Minister; and

(h) that the inquiry report to the Minister for Police and Emergency Services by 31 December 2007, and that the Minister present the report to the Legislative Assembly within three months of receiving the report, together with a report on what action, if any, is proposed to be taken by the Government with respect to the recommendations of the inquiry.

14. Childcare Services in Regional Western Australia (Notice given - 27/6/06)

Mr T.K. Waldron: To move -

That this House calls on the State Government to take immediate steps to address the appalling state of childcare services in regional Western Australia, particularly in relation to –

(a) the shortage of suitable childcare services in regional areas of Western Australia;

(b) the problems caused by the introduction of unworkable regulations governing the operation of childcare centres in country areas; and

(c) the need for a more flexible model for childcare arrangements in regional Western Australia, while still providing for the safety and well-being of all children in care.

15. Support to Build Educational Campuses in Kununurra and the Kimberley (Notice given - 28/6/06)

Mr G.A. Woodhams: To move -

That this House supports –

(a) the building of a campus of the WA College of Agriculture at Kununurra; and

(b) the creation and development of a Christian Aboriginal Parent directed school in the Kimberley.

16. The Auditor-General's Funding Requests (Notice given - 28/6/06)

Mr M.W. Trenorden: To move -

That this House –

(a) recognises the value of the work of the Auditor-General, despite Cabinet's refusal to provide increased funding in 2006-2007 (for early reporting and labour market factors) and therefore putting the accounting process at risk;

(b) calls on the State Government to table the Auditor-General's funding requests for the last three years; and

(c) refers this matter to the Public Accounts Committee and requests that the Committee interview the Auditor-General's office as to the requirements of these unfunded submissions.

17. Sunset Site Class A Reserve No. 1667 (Notice given - 15/8/06)

Ms S.E. Walker: To move -

That the Government moves immediately to amend the *Botanic Gardens and Parks Authority Act 1998* to ensure that the Authority takes immediate control of the Sunset Site Class A Reserve No. 1667 to prevent its further deterioration and waste of taxpayers' funds and restore it to the recreational amenity envisioned by the State's first Premier, Sir John Forrest.

18. Uranium Mining Ban (Notice given - 15/8/06)

Mr C.J. Barnett: To move -

That this House calls on all Labor Members to support their federal leader, Hon. Kim Beazley MP, in his new approach to uranium mining in which he is quoted –

(a) "I will seek a change to Labor Party's platform to replace the no new mines policy with a new approach based on the world's strongest export safeguards." (Australian Labor Party Media Statement, 24 July 2006)

(b) "The real issue is what we do with the uranium we mine, not how many places we mine it." (*Sydney Morning Herald*, 25 July 2006)

(c) "Banning new uranium mines would not limit the export of Australian uranium to the world, it would simply favour incumbent producers." (*Sydney Morning Herald*, 25 July 2006)

PRIVATE MEMBERS' BUSINESS - ORDERS OF THE DAY

1. Violent Crime Management in Western Australia (Moved - 27/4/05)

Adjourned debate (Dr G.G. Jacobs - continuation of remarks) on the amendment moved by Mr A.J. Simpson, To add after "Western Australia" the following –

" and calls on the Labor Government to immediately repeal the two plant policy on marijuana which is sending the wrong message to young Western Australians often leading them into a lifetime of drug addiction and crime ".

in the motion moved by Mr R.F. Johnson –

That this House condemns the Minister for Police and Emergency Services for her failure to manage violent crime in Western Australia.

2. Rally Australia (Moved - 4/5/05)

Adjourned debate (Minister for Tourism - continuation of remarks) on the motion moved by Mr R.F. Johnson -

That this House condemns the Labor Government on its decision to axe one of our most iconic events, namely Rally Australia, without consultation with the industry and thousands of rally enthusiasts.

3. Community Protection (Offender Reporting) Amendment Bill 2005 (Mr M.J. Birney**)** (No. 62, 2r. - 22/6/05)

Second reading. Adjourned debate (Dr G.G. Jacobs).

4. Auslink Agreement (Moved - 14/9/05)

Adjourned debate (Mr J.H.D. Day - continuation of remarks) on the motion moved by Mr M.J. Cowper -

That this House condemns the Minister for Planning and Infrastructure for failing to sign the Auslink Agreement, which would result in $680 million of Federal funding for vital infrastructure needs in Western Australia.

5. Select Committee into Western Australia's Water Resources (Moved - 21/9/05)

Adjourned debate (Mr T.R. Buswell - continuation of remarks) on the motion moved by Mr P.D. Omodei -

(1) That a select committee of the Legislative Assembly be appointed to inquire into and report on —

(a) the extent of surface and groundwater available for consumption and use in Western Australia;

(b) the Government's role in planning for the future given climate change predictions;

(c) the Government's role in planning for increased water demand;

(d) the failure of the Government to implement alternative water recycling and re-use programs;

(e) the failure of the Government to provide appropriate water supplies in high rainfall areas of Western Australia, such as Manjimup, Bridgetown and Boyup Brook;

(f) the ability to source additional water from Wellington Dam, particularly 45 gigalitres of saline water purged from the dam;

(g) the success of the Farm Water Grants Scheme and potential to expand the scheme further;

(h) catchment thinning as an option to increase stream flow into water reservoirs;

(i) research into innovative water conservation measures;

(j) the social, economic and environmental impacts on the South West as a result of using the Southern Yarragadee aquifer;

(k) the level of research undertaken in regard to the future regional water requirements of the South West, as it applies to the Southern Yarragadee; and

(l) any other matter which will provide appropriate water supplies for the State of Western Australia.

(2) That the committee report to the Legislative Assembly by 30 June 2006.

6. Staffing and Funding Levels in Public Hospitals (Moved - 19/10/05)

Adjourned debate (Dr J.M. Woollard - continuation of remarks) on the motion moved by Dr K.D. Hames -

That this House calls on the Government to give urgent consideration to the crisis in staffing and funding levels in public hospitals across the State which is having a severe impact on the quality of patient care being provided.

7. Law and Order Issues (Moved - 23/11/05)

Adjourned debate (Minister for Police and Emergency Services - continuation of remarks) on the motion moved by Ms S.E. Walker -

That this House has lost confidence in the ability of the Gallop Government to properly manage and resource law and order issues in the State of Western Australia.

8. Inland Rural Communities Funding (Moved - 29/3/06)

Adjourned debate (Minister for Planning and Infrastructure - continuation of remarks) on the motion moved by Mr T.K. Waldron -

That the Premier immediately boost State Government funding to inland rural communities experiencing an upsurge in land and housing inquiry and to immediately provide increased funding for -

(a) the small towns sewerage and infill sewerage;
(b) regional headworks;
(c) safety upgrades on dangerous country roads;
(d) upgrade of community and recreational amenities;
(e) implementation of inland town desalination projects; and
(f) rural towns promotional campaigns.

9. Electricity Corporations Amendment Bill 2006 (Mr M.W. Trenorden**)** (No. 132, 2r. - 10/5/06)

Second reading. Adjourned debate (Mr M.P. Whitely).

10. Budget Allocation for Infrastructure in Regional Western Australia (Moved - 31/5/06)

Adjourned debate (Mr G.A. Woodhams - continuation of remarks) on the motion moved by Mr B.J. Grylls -

That this House condemns the Labor Government for its failure to recognise the infrastructure needs of Regional Western Australia in the 2006/07 Budget, given –

(a) the majority of the State Government's record $2 billion surplus has been generated courtesy of the booming regional-based resources sector – but there is evidence that the regional economies have not benefited from this activity; and

(b) the Government has set aside $1.3 billion (65 per cent) of the $2 billion budget surplus to pay off the Perth to Mandurah rail project at the expense of much needed investment in Regional Western Australia,

and calls on the State Government to provide a significant funding boost to regional development in this State to fundamentally re-adjust the prospects for long-term sustainable growth in our regions.

11. *Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (Dr K.D. Hames**)** (No. 151, 1r. - 22/6/06)

To be read a second time.

12. Development of Biofuels Industry in Western Australia (Moved - 28/6/06)

Adjourned debate (Mr G. Snook - continuation of remarks) on the motion moved by Mr D.T. Redman -

That this House calls on the State Government to –

(a) register its disappointment with the Federal Government regarding the passage of the Fuel Tax Bill 2006 through Federal Parliament, given the legislation's treatment of biofuels producers in particular;

(b) acknowledge the need to provide certainty to the Western Australian biofuels industry to encourage its development; and

(c) consider the introduction of other incentives for local biofuels producers to encourage regional biofuels production in Western Australia.

AWAITING GOVERNOR'S MESSAGE

1. Scrutiny of Government Publicity Bill 2005 (Mr M.J. Birney) (No. 64, 2r. - 29/6/05)

Second reading.

COMMITTEES TO REPORT

Community Development and Justice Standing Committee – Inquiry into Fire and Emergency Services Legislation in Western Australia	–	31 August 2006
Public Accounts Committee – Inquiry into Local Government Accountability in Western Australia	–	28 September 2006
Procedure and Privileges Committee – Review of the *Members of Parliament (Financial Interests) Act 1992*	–	28 September 2006
Procedure and Privileges Committee – Review of Legislative Assembly's Committee System	–	28 September 2006
Economics and Industry Standing Committee – Inquiry into the Role of the State Government in Developing and Promoting the Local Information Communications Technology (ICT) Industry		
Joint Standing Committee on the Corruption and Crime Commission – Inquiry into the Future Operation of Witness Protection Programmes in Western Australia		

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

Committee	*Minister to Respond*	*Date Due*
Public Accounts Committee – Review of the *Financial Management Bill 2005* and the *Auditor General Bill 2005*	Treasurer	6 July 2006
Education and Health Standing Committee – Swimming Pool Program in Remote Communities	Premier	22 September 2006
Joint Standing Committee on the Corruption and Crime Commission – Interim Report on Amendments to the *Corruption and Crime Commission Act 2003*	Attorney General	22 September 2006
Education and Health Standing Committee - Changes to the Post Compulsory Curriculum in Western Australia	Minister for Small Business representing Minister for Education and Training	29 September 2006

REFERENCES TO COMMITTEES

Committee	*Reference*	*Date Due*
Community Development and Justice Standing Committee	Natural Disaster Relief Assistance	29 December 2006

* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.

† Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

NOTICES AND AMENDMENTS

Land Information Authority Bill 2006 (No. 144—1)

Clause 9.

Mr G. Snook: To move –

Page 5, line 17 – To insert after "contain" –

"

and will include notifications of interests of a type determined by the Minister in accordance with subsection (3) and prescribed by regulation.

(3) The Minister will determine the types of interests in or notifications in respect of land that are issued or made by any public or private body, which must be notified to the Authority and be made publicly accessible on a basis which does not involve making a profit

".

Retail Shops and Fair Trading Legislation Amendment Bill 2005 (No. 98—1)

Message No. 92.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Retail Shops and Fair Trading Legislation Amendment Bill 2005* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Retail Shops and Fair Trading Legislation Amendment Bill 2005

No. 1

Clause 5, page 4, line 10 — To insert after "14B(4)" —

" as if the order were a regulation ".

No. 2

Clause 6, page 4, line 26 — To delete "10" and insert instead —

" 13 ".

No. 3

Clause 6, page 4, after line 26 — To insert —

"

(da) in paragraph (bc) after "shop", in the first place where it occurs, by inserting —

"

but excluding any person who is employed at the retail shop as an apprentice, as defined in the *Industrial Training Act 1975* section 4(1)

";

".

No. 4

Clause 9, page 11, line 29 to page 12, line 2 — To delete "in relation to a day or days within the period from 28 days before a public holiday or public half-holiday to 28 days after the public holiday or public half-holiday." and insert instead —

"

(a) in relation to a day or days within the period of 28 days ending on 1 January; or

(b) to extend the trading hours of general retail shops on a particular day to no later than 9 p.m. for the purpose of compensating for trading hours that are lost by general retail shops in the metropolitan area on a particular day in the same week between 6 p.m. and 9 p.m. because of a public holiday or public half-holiday.

".

No. 5

Clause 23, page 26, line 34 — To delete "or" and insert instead —

" and ".

No. 6

Clause 23, page 29, line 5 — To delete "or" and insert instead —

" and ".

No. 7

Clause 27, page 36, line 16 — To delete "or" and insert instead —

" and ".

No. 8

Clause 27, page 38, line 6 — To delete "or" and insert instead —

" and ".

Road Traffic (Smoking in Motor Vehicles) Amendment Bill 2006 (No. 151—1)

Clause 3.

Dr K.D. Hames: To move –

Page 3, line 3 –To delete "*1994*" and substitute –

" *1974* ".

Long title.

Dr K.D. Hames: To move –

Page 1, line 7 – To delete "***1994***" and substitute –

" ***1974*** ".

PETER J. MCHUGH
Clerk of the Legislative Assembly